

WEST TISBURY CONSERVATION COMMISSION
MINUTES OF MEETING

May 23, 2006

Present: Prudy Burt Chair, Patricia Durfee, Patrick Phear, Tara Whiting, Peter Rodegast, Debra Swanson and Maria McFarland

Absent: Judy Crawford

Also present for all or part of the meeting: Kristen Fauteux and Richard Johnson of Sheriff's Meadow Foundation, Lanny McDowell, and Matthew Dix of the Land Bank.

The minutes of the May 9, 2006 meeting were approved as written.

Prudy Burt called the meeting to order at 5:00 P.M.

Hearings

Map 32 Lot 101.2 - a public hearing under the Wetlands Protection Act and the West Tisbury Wetlands Protection Bylaw to consider a **Notice of Intent** filed by Sheriff's Meadow Foundation owner of property located at 1002 State Road. The applicant seeks permission to remove invasive species along the so-called Whiting Ditch and to use the upland portion of this property for a native plant restoration project. The proposed project is located within the Buffer Zone of a Bordering Vegetated Wetland.

Debra Swanson recused herself from this hearing.

Dick Johnson and Kristen Fauteux representing Sheriff's Meadow outlined the project. This is a vacant piece of property at State Road with frontage on the so-called Whiting Ditch. With help from the Charter School, Sheriff's Meadow is planning a habitat restoration and removal of invasive species project. The habitat restoration project is in the upland and the removal of invasive species will take place along the bank.

Patrick voiced a concern that a conservation group doing plantings in a resource area might send the wrong message to passersby.

Prudy suggested that there be signage explaining that this work was being done with the permission of the Commission. Dick said they would do whatever the Commission would require of a private homeowner.

Patrick said that maybe they could take out the invasive species but leave it alone otherwise.

Dick said they submitted a list of plants to be used.

Judy added that the signage could state that this was an ongoing replication and restoration project.

Lanny McDowell, an abutter asked for more details about cleaning up the lot, what the plan was to advertise or promote this site and what the parking plan was.

Dick responded that the lot would be cleaned up with native plants being planted in the upland, invasive species being removed from the bordering vegetated wetland and the bank and replaced with native wetland species. There would be no onsite parking and plans to advertise it were minimal.

Lanny said that as an abutter his concern was that the topography remains the same when the work was completed.

There was some discussion about whether this lot is in the Riverfront Area or if this should be considering as Bordering Vegetated Wetland and Buffer Zone. Maria reminded the board that it was up to the applicant to overcome any presumptions of significance and to apply the Riverfront standards to determine if the Whiting Ditch meets the definition of a stream under the state regulations. It was agreed that there needs to be a more detailed narrative, that the vegetation to be removed be flagged in the field and a trail layout be submitted.

As the DEP file number and the NHESP letters have not been received, the hearing needs to be continued. A motion was made to continue the hearing to June 13th at 5:10 PM. Motion seconded, all in favor.

Map 3 Lot 1.1 - a public meeting under the Wetlands Protection Act and the West Tisbury Wetlands Protection Bylaw to consider a **Request for Determination of Applicability** filed by Sheriff's Meadow Foundation holder of a conservation restriction for property owned by the Town of West Tisbury at 265 Lambert's Cove Road. The applicant seeks permission to establish and maintain a self guided nature trail in accordance with the terms of its conservation restriction with the Goethals. The proposed project is located within the Buffer Zone.

Debra recused herself from the meeting.

Dick and Kristen stayed on to discuss this project. It is very straightforward. There being no questions from the Commission members so the meeting was closed. A motion was made and seconded to issue a Negative Determination. All in favor. It was suggested that Dick be in touch with the Selectmen as this is town owned property.

Map 2 Lot 9.1 and Map 3 Lots 80 & 81 - a public hearing under the Wetlands Protection Act and the West Tisbury Wetlands Protection Bylaw to consider a **Notice of Intent**, filed by the Martha's Vineyard Land Bank owner of property located off Lambert's Cove Road and property owned by the Nature Conservancy over which the Land Bank has a trail easement. This property is known as Blackwater Pond Reservation. The project consists of the construction of 600 feet of universal access trail, 250 feet of ground level boardwalk and an additional 280 feet of elevated boardwalk. Also proposed is the clearing of 2.5 miles of woodland walking trails and the removal of invasive species. The work will take place or be constructed within the BVW and Buffer Zone adjacent to Duarte's Pond, Blackwater Pond and Turtle Pond.

Matthew Dix was present for the Land Bank. He submitted an amendment to the Notice of Intent to add the removal of invasive species.

Duarte's Pond has been open to the public for a long time. The work being discussed today is part of the state approved management plan for this property.

People will come in from Lambert's Cove Road and cross Duarte's Pond to access the main part of the property off Ben Chase Road.

Matt walked the Commission through each aspect of the project described as follows.

There will be a universal access trail from the parking lot to the causeway. The trail will be 5 feet wide approximately 15 feet off the pond shore. The material used for the trail will be the same brownstone dense mix that was used at Preister's Pond. The trail will be closer to the pond edge at specific points to provide handicapped access to fishing. The universal access trail will run to the causeway separating the northern and southern sections of the pond. The trail will be 600 feet long. Equipment will be used to remove the topsoil that will be replaced with the brownstone dense mix. The topsoil will be taken off site.

The existing dock will be removed and relocated to the right of its current location. It will be 30 feet long and 6 feet wide with a toe railing but no hand railing. It will be handicapped accessible. The dock will be anchored using the pin foundation system. The pilings and decking will be locust and the framing will be ACQ.

The trail continues over the causeway with 100 feet of ground boardwalk, a 25 foot elevated bridge and 200 feet of raised boardwalk. Currently the earthen causeway is not in good shape. No heavy equipment will be used. The raised boardwalk will be constructed of locust planking over the ACQ frame and will be 3 feet . The ground level boardwalk will be made of locust. It will be ground level as far as possible and then elevated. Once on the other side, there will be five earthen steps. The trail will pass a vernal pool on an existing old wood road. Matthew noted that it would be hard to stop people from using the road. Matthew agreed that there would be no boardwalk within 15 feet of this vernal pool.

Beyond this vernal pool is the first view platform on the pond and 30 ft of raised boardwalk. There is a "borrow" pit in this location. Prudy asked if was possible to do away with view platform # 2 due to its proximity to nesting habitat on the small island in the pond. Matthew agreed.

The next spot for work is view platform #3. The proposed trail then intersects with a trail approved by the Commission under SE79-227. The proposed trail then passes another vernal pool at the most southerly end of the proposed trail. Matthew agreed to relocate the trail to the north of this vernal pool. A bench will be located on the westerly side of Turtle Pond and a view channel will be maintained. The trail loops by Turtle Pond and then meets again with the trail approved under SE79-227.

With respect to the work to remove and control the invasive species, the Land Bank will do the initial work and then the Nature Conservancy will ultimately maintain it. Matthew told the Commission that they would come back with a management plan for this work.

In summary, it was agreed that no pressure treated wood would be used in the construction of the dock. View Platform #2 will be eliminated but a bench will be fine. The trail above the vernal pool will be relocated. The plan of record will be revised to reflect these changes.

There will be no horses or bikes permitted at the property. Matthew was asked about prohibiting dogs. He responded that the Land Bank has a blanket policy of allowing dogs and of not having staffing unless there is a species concern. A sign prohibiting dogs during the nesting season was suggested. Matthew will submit a revised project description and revised plan.

There being no further questions the public hearing was closed. A motion was made to approve this project subject to the submission of the revised materials. There being no further discussion, the motion was seconded and the vote in favor unanimous. The special conditions for this project will be drafted and reviewed at the next meeting.

Old Business

Map 6 Lot 2 (SE 79-237) The Commission reviewed the draft amendment to the Order of Conditions to reflect the revised plan. A motion was made and seconded to approve and sign the amendment. Prudy, Debra, Peter and Tara voted in the affirmative. Patrick abstained.

Map 7 Lot 150.2 (SE 79- 245) The Rodrigues submitted a landscaping plan for review and approval. The board discussed their request to relocate the parking area. All agreed it was within the scope of the original Notice of Intent and no new conditions would be required. A motion was made and seconded to approve the request to relocate the parking area and approve the plan. Maria was instructed to send a letter of approval.

New Business

Map 2 Lot 9. 1 (Peter recused himself from this discussion.) Darrell Bazy of South Mountain Company called to ask the Commission for permission to remove a small tree (see file for picture showing location and size of tree) on this property as it is in the way of a foundation being brought to the site. The tree will be replaced with a small native species tree. Darrell has spoken with Matthew Dix of the Land Bank, owner of the property and they have no objection. All agreed that a filing was not needed. Maria was instructed to send a letter to Darrell.

There being no further business on the agenda, the meeting adjourned at 6:45 P.M.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED